

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

FILED
RICHARD W. NAGEL
CLERK OF COURT

JAN -8 2025 2:58 P

JOHN PAUL DURBIN,

Plaintiff,

v.

JOSEPH BIDEN, in his official capacity as 46th President of the United States; and **JANET YELLEN**, in her official capacity as 78th Secretary of Treasury; and **SHALANDA YOUNG**, in her official capacity as Director of Office of Management and Budget; **TIMOTHY GRIBBEN**, in his official capacity as Commissioner of Bureau of Fiscal Service; and **MIKE JOHNSON**, in his official capacity as Speaker of the House of Representatives; and **JOHN THUNE**, in his official capacity as Majority Leader, United States Senate; and **CHUCK SCHUMER**, in his official capacity as Minority Leader, United States Senate; and **HAKEEM JEFFRIES**, in his official capacity as Minority Leader, House of Representatives; and **PHILLIP SWAGEL**, in his official capacity as Director of Congressional Budget Office; and **KAREN DONFRIED**, in her official capacity as Director of Congressional Research Service; **AMY KLOBUCHAR**, in her official capacity, as chair, Senate Rules Committee, 2023-2024; **DEB FISCHER**, in her official capacity as co-chair, Senate Rules Committee, 2023-2024,

Defendants.

Case No. _____

JUDGE WATSON

MAGISTRATE JUDGE JOLSON

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This case is a constitutional crisis unlike any in the history of the nation. On its face, this is merely a case of a single plaintiff against defendants who happen to be the highest elected officials in the federal government, including the president and Treasury secretary, and the highest

congressional leaders. But it is so much more than those individuals in those specific offices. This case pits the Constitution, the United States Code, the concepts of the rule of law, coequal but independent branches of government, a system of “checks and balances” built into the legal and constitutional fabric of the nation, independent courts, and the most basic level of honest and accountable public government against the record of the Article I and Article II branches of government in their ongoing, joint scheme to protect their political careers above everything else.

2. Plaintiff John Paul Durbin files suit seeking declaratory and injunctive relief against Defendants, to establish in law his specific rights under the United States Constitution, including the full exercise and enjoyment of all five of his First Amendment rights, separately and in each of the twenty-six combinations thereof, those rights of the Free Exercise of Religion, Freedom of Speech, Freedom of the Press, Freedom of Assembly, and the Right to Petition Government For a Redress of Grievances. Plaintiff Durbin calls upon the further protection of those rights under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Plaintiff Durbin has repeatedly asked members of Congress and its leaders to honor those most basic, constitutionally protected rights for his unfettered access into the seven office buildings on Capitol Hill, which house the offices of the individual members of Congress, 435 representatives and 100 senators, during “normal business hours” when those buildings are “open to the public,” with the ability to bring with him a substantial amount of his written documents as he deems necessary.

3. Plaintiff Durbin asks for the Free Exercise of Religion, as he brings his gospel of servant-leadership, whereby his God calls upon him to lobby members of Congress for honest, transparent, orderly, calm, deliberative, and accountable: public government. Plaintiff Durbin seeks to fully exercise his Freedom of Speech, to speak with congressional staffers and to leave written documents as he lobbies for better, honest, and accountable public government by the Congress of the United States. Plaintiff Durbin, as citizen-journalist, asks, seeks, needs, and requires the full use

of his Freedom of the Press so that he might enjoy the free and easy access into and throughout the United States Capitol Hill Office Complex (Complex), including the Capitol Building and the seven office buildings of the members of Congress, asking for the same level of access accorded credentialed members of the Congressional Press Galleries. Plaintiff Durbin needs to have his right of Assembly unquestioned and fully honored by members Congress, by the Capitol Police Board, and Capitol Police officers, as that right, by definition, is concurrent-and-necessary for the full exercise of the other-four First Amendment rights in all of their combinations within the Complex during “normal business hours.” Lastly, and far too long overlooked by the citizens of this republic throughout this 236-years-long political experiment in self-government, Plaintiff asks for his Right to Petition For a Redress of Grievances to be honored so that his formal, written Petition(s) For Redress may be delivered, in person, to the principal place of business for the members of Congress, at their individual offices upon Capitol Hill, Washington, in the federal District of Columbia.

4. Plaintiff Durbin is a citizen-journalist-activist who has spent the last fourteen years working to report on the spending-and-debt games played by the Congress of the United States. For much of that time, this was nothing more than a first-time book author investigating the dysfunctional national political show as played out by an always contentious Congress, featuring constant fighting between the political teams. The impossible to miss, always late passage of the annual spending, always rushed to a hasty conclusion with no notice to members or to the nation prior to passage of a monster spending bill which no member could have read. Those spending bills had always been negotiated in secret, behind closed doors. Congress had passed multiple excuses along the way, “temporary spending patches” known as continuing resolutions. The ending was always preordained so that the secret deal was announced days before the current, temporary spending ran out. Always, always, always, the secret bill was rushed into print, then voted on by members who had but one choice, yes or not, for the thousand-pages-plus spending bill. This game's

played this way, year after year, without end. A public, dissatisfied, disgusted, disappointed, and disillusioned knows no other answer or ability for how to change this storyline, this now-eternal dysfunctional pattern, other than to vote. And so they have, but nothing in “the show” in Washington, in Congress, co-produced by whomever sat in the Oval Office, ever changed. Plaintiff Durbin, citizen-journalist-activist, seeks to report the full, heretofore untold story to a nation deceived and lied to by every member of Congress, each president, and by every false, incomplete, intentionally misleading piece of reporting by the national press, the famous press, legacy media, liberal media, mainstream media, conservative media, and all the talkers and writers on American politics who failed to speak of the ugly, specific, dark, dark truths at the heart of the ongoing, long-running Washington conspiracy to overspend. With the devastating consequences which have now arrived.

5. Plaintiff Durbin's journalism reaches its powerful crescendo as it reports the tale of the “broken” Public Debt limit which has remained “stuck” at \$14.294 trillion in the United States Code, while the Debt has risen to over \$36 trillion. From a single legislative “mistake” in 2011, all Washington—three presidents, the run of eight Congresses, beginning with the 112th Congress, 2011–2012, to the current, the 119th Congress, elected November of 2024, commencing its two-year term January 3, 2025—found itself inescapably sucked into one of the most shocking and destructive national political and financial scandal in the history of the nation. As the public record will show, and as this case proceeds, it will become clear to citizens that it is as if the scandals of Washington of the last four years, the last eight years, the last sixteen years or more, take your pick, were but a warm up for the mother of all scandals, the worst of the worst. A dishonest and corrupt, “broken” Public Debt limit, when finally exposed, will likely cause financial markets to buckle, ruin the finances of the nation, and unleash seemingly unending hardships for most Americans.

6. Plaintiff Durbin, the citizen-journalist-activist, has been pushing at members of Congress, including its leaders, for the last sixty months, beginning January 2020, when Plaintiff

walked a letter into the Columbus, Ohio, offices of members of Congress. Since that day, Plaintiff has repeatedly sought access to the offices on Capitol Hill. Those efforts began in earnest with a trip to Washington, October 2021, and a raft of subsequent mailings to members of Congress.

7. In March 2021, Plaintiff Durbin came to the unsettling realization that he had no choice but to abandon the final editing-for-publication of his ninety-seven percent completed, 800-page book on Congress. There was, and is, no way for an unknown, first-time author—without any formal professional credentials, standing, or visibility, with no established, on-line digital presence, attempting to report one of the greatest, if not the greatest, financial scandals in the history of the nation—to sell more than a few hundred books. Why? Because all of elected Washington, in both political parties, representatives and senators from every part of the nation, everyone in the media, financial media, in the world of finance, securities, securities law, securities rating, brokers and dealers in Treasuries, investment funds, mutual funds, hedge funds, and pension funds: everyone had actively or tacitly joined a conspiracy of silence in pursuit of their own financial gain or for the protection of their power and position. All the while the most basic detail of the Public Debt limit of the nation calmly sits in the United States Code, Title 31, Section 3101, clearly stated in Arabic numerals, by a specific American dollar amount, as the legal limit. A legal limit begun September 24, 1917, with the *Second Liberty Loan Act*. In the code and on the books, legal and continually updated and functioning, for 94 years. The final, legal increase was passed on February 12, 2010, raising the limit to \$14.294 trillion, an amount unchanged in the Code since that day. And then: the law which broke the limit, The Budget Control Act of 2011, also known as “Obama-Biden-McConnell,” named for its two, main authors and the president who signed it. And with that bill was a conspiracy begun which has continued up to today. But. In two previous federal court cases, this Plaintiff sought to bring this scandal to the light of day, bring it to an end, that the nation might begin the long and difficult but necessary public course to put the finances of the nation right.

THE FIVE INTERCONNECTED LOCI OF THIS COMPLAINT

First Locus: Congress

8. This scandal, and Plaintiff's subsequent cause of action, begins in and with Congress, its elected members and leaders. Congress wrote and passed the Budget Control Act of 2011 which allowed Treasury to borrow \$2.1 trillion more in Debt, but, owing to the complicated way the law was written and implemented, it failed to raise the Public Debt limit in the US Code, 31 U.S.C. § 3101(b). Whenever it was that the leaders, and then members, of Congress discovered their mistake, they could not find the honor and integrity to pay whatever political cost necessary to fix their mistake of the now "broken" Public Debt limit. Plaintiff Durbin, as citizen, author, and journalist, has been pushing his reporting at the leaders and members of Congress to no avail. First, they have not publicly touched the Public Debt limit to deal with the stated dollar amount in 31 U.S.C. § 3101(b), of \$14.294 trillion. Second, by their refusal to respond to the correspondence of the Plaintiff, they have effectively kept him "shut out" from coming onto Capitol Hill or forcing him to show up and take his chance with whatever actions may come, including physical and emotional distress at the hands of the Capitol Police, with subsequent actions by the FBI and the United States Attorney for the District of Columbia, for whatever public and non-public protocols which they and their agents have refused to disclose to the Plaintiff, for which he may now be accused of violating. Third, these inactions by members of Congress and its leaders have had the effect of denying Plaintiff's First Amendment Rights of religion, speech, press, assembly and petition, in person, within the Complex, as further protected by the Fourth, Fifth, and Fourteenth Amendments and federal law. These actions have had the effect of an illegal, prior restraint of speech, as each member of Congress has refused to extend to Plaintiff the common courtesies of access accorded home-state voters living within the congressional district or state of the member of Congress. Fourth, these actions and inactions by individual members of Congress have created

tremendous emotional distress for the Plaintiff. Five, Plaintiff has been unable to earn a living, earn as little as \$20 in sales for his reporting on the greatest scandal of these days, further adding to his emotional distress and financial hardship. The concerted, ongoing actions by members and leaders of Congress have denied Plaintiff his First Amendment rights and have prevented him from confronting them in the most public way possible, visiting their offices on Capitol Hill, one office after another. Leaving his written speech, his questions for them, his specific accusations of their treachery and deceptions, culminating with his call for a lengthy public process, aired in prime time, for them to answer for this scandal to the nation. To date, for this Plaintiff, the forty-five words of the First Amendment look nice and seem to promise much as they sit upon the page. But, in Washington, on Capitol Hill, they count for nothing for this citizen. A distressed nation wonders why Congress is so broken. The Plaintiff, citizen-journalist-activist, knows why. But he can't get in to fully press his case directly to those whom he would accuse.

Second Locus: Treasury

9. The president, Treasury, and offices and officers of the administration have engaged in unlawful acts. Following passage of each Public Debt law, Treasury is responsible to implement those details. Plaintiff contends Treasury had to have known of the defect in the Pub. L. 112-25. Treasury did not honor that law, but began playing along, on December 31, 2012, when the borrowing allowance, legally granted in Pub. L. 112-25, to sell an additional \$2.1 trillion in new Debt, was exhausted. Then, for every calendar day, for the years 2013 through 2024, spilling into 2025, Treasury has sold illegal Debt, serviced illegal Debt, and by those actions put at risk every last \$20 of the Public Debt. Because Treasury has never done its duty to the Constitution, to the laws of the nation, operating on behalf of the citizen-owners of this republic, this national financial tragedy has run on, right up to today. Because Treasury has never corrected this illegality and mended its ways, it has denied the Plaintiff those public actions which would prove the points

behind much of his reporting. Thus, presidents, secretaries of the Treasury, and other Treasury officials have added to the emotional distress of the Plaintiff while concurrently rendering his ability to earn a living from his reporting impossible. When everyone in Congress, for thirteen years, three presidents and countless administration officials, pretend that there's nothing's wrong with the Public Debt, when everyone in media peddles those lies and everyone in the world of finance refuses to speak the ugly truth, one truth-teller, one book on this scandal could not possibly make a mark or sell any copies. The suppression of this scandal is similar to that of the Hunter Biden laptop scandal, albeit this scandal will be a thousand times worse as it threatens trillions and trillions of dollar of United States Debt and the stability of US and world financial markets.

Third Locus: Reporting Requirements

10. Reporting requirements of the Article I and II branches. It is as basic as it gets. First and foremost, the legal, reasonable, and necessary reporting requirements, “basic best practices” for the honest management for the financial affairs which any business or governmental entity must have, are sitting in the Constitution. Congress is called upon to make “a regular Statement and Account of the Receipts and Expenditures of all public Money [and this] shall be published from time to time.” *See* U.S. Const. art. I, § 9, cl. 7. The oath of office of the president of the United States of America: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.” *See* U.S. Const. art. II, § 1, cl. 8. That charge, those actions required, must include the president serving as a “check and balance” to ensure that Congress, the coequal, Article I branch, has and is faithfully executing its duties, including reporting on the receipts and expenditures of all public money. The president, beside the statement made in the oath of office, has a constitutional duty to “take Care that the Laws be faithfully executed,—”. *See* U.S. Const. art. II, § 3, cl. 1. Beefing up the language of the Constitution and adding needed specificity,

numerous federal laws require the ongoing, honest accounting and reporting of the financial condition of the nation and its current accounts, including the full and complete reporting of the Public Debt. This scandal began on August 2, 2011, with Pub. L. 112-25. At least some, if not all, of the Public Debt of the nation became illegal, beginning December 31, 2012. All subsequent reporting, documents, tables, and public statements of report, by members of Congress, presidents, and a host of administration and congressional officials intentionally hid the “broken” Public Debt limit, calmly and falsely presenting financial statements, written and spoken pronouncements, that things were well or as best as could be expected for these troubled days and contentious times. But far too much of those financial statements and spoken words were not true. Thus, specific harms to the Plaintiff, suffering great emotional distress over his inability to confront the accused, to exercise his constitutional rights, and his inability to earn a living from his reporting which stands in stark contrast to all media reporting. The false and illegal public reports of Defendants have denied Plaintiff the needed and legally required truths which substantiate much of his reporting.

Fourth Locus: Constitutional Rights of Citizen John Paul Durbin

11. Citizen-journalist-activist John Paul Durbin has devoted 14 years to reviewing and writing about the spending-and-debt games which Congress has played since passage of the landmark Budget Control Act of 1974. The start was easy enough, as the early investigative research quickly led to preparations for a book. Eventually, though, came the sad realization that the scandal of the “broken” Public Debt limit was so important to the nation's political players and everyone in the world of finance that a book, even one for sale at Amazon, the world's largest online book retailer, could not “breakthrough” and sell any copies when everyone else was lying-and-hiding this scandal. Fourteen years of work and not \$20 to show for that effort. A basic tenet of law is the right of the accused to confront his accusers. Turn that around, it's the First Amendment rights of a citizen to “speak” to members of Congress whom he might accuse, exercising the five

rights: of Free Exercise of Religion, Freedom of Speech, Press Freedom, Freedom of Assembly, and the Right to Petition Government For a Redress of Grievances. This Plaintiff sought to exercise those rights in Washington, on Capitol Hill, directly to the offices of the members of Congress.

12. Plaintiff, by written letter to Defendant members of Congress, requested written approval for his access to the Complex to visit receptionists of members of Congress for those hours when the Capitol Police proclaim these office buildings of Congress are “open to the public.”

13. Plaintiff sued the four, highest-ranking congressional leaders, *Durbin v. Pelosi*, 22-cv-03222-CRC, in Washington, D.C., district court, October 20, 2022. That suit was eventually dismissed. Plaintiff’s concerns for his specific access to the Complex—to visit the offices of all of members of Congress if he so chooses, and the honoring of his First Amendment Rights, protected by the Fourth, Fifth, and Fourteenth Amendments—today: remains unanswered and uncertain.

14. Plaintiff is now known by congressional leaders, members of Congress, House and Senate sergeants at arms, and the chief of the Capitol Police, from his actions and written correspondence, as an agitated, forceful, angry (upon the page), disrespectful—at the edge of contemptuous—citizen who has dared to aggressively pursue his constitutional rights. A citizen-journalist-activist, pressing Congress on the greatest financial scandal in a century, a scandal which they have remained united in concealing from the nation, completely successfully, until now.

15. With every piece of correspondence by Plaintiff to members of Congress, Plaintiff has sought to address several complimentary points: (i) the honoring Plaintiff’s constitutional rights of access on Capitol Hill, while (ii) defining every last specific which Plaintiff can think of for each detail of access, his actions, and ability to bring some generous amount of written documents, to insure (iii) that there is a comfortable understand between the parties, by Plaintiff, by those leaders and officers of the Capitol Police, so that there will be no doubt in Plaintiff’s mind, no emotional distress, for it will all have been clarified in writing so that (iv) there be no grounds of dispute,

disagreement, contentious words spoken, a misunderstanding in the moment or, in the worst-case scenario, (v) Plaintiff is detained, arrested, his papers and electronic devices seized, (vi) in a “set up,” a “trap” set by members of Congress, sergeants at arms, the chief and officers of the Capitol Police, because one citizen foolishly grew tired of his unanswered correspondence and chose to make a second trip to Capitol Hill to see what would happen.

16. As a result of 18 months of dogged efforts to get answers from Defendants, Plaintiff has no trust, Zero Trust, in the members of Congress, its leaders, sergeants at arms, the chief of its police department, or for the demeanor and potential actions of every last police officer because they have refused to respond to his correspondence. Any. At all. Every last letter and request.

17. The effects of the lack of response by members of Congress amounts to: Prior restraint. Denial of Plaintiff's First Amendment Rights. No due process, and no equal protection.

18. Plaintiff is “the” expert on the spending-and-debt games of Congress played over the last half century. That includes the last 28-straight years of spending coming in late (by an average of 116 days), with the always-rushed final passage, with no notice to members or to the nation. Then there's the “broken” Public Debt limit over last 13 years. Plaintiff's unpublished, 800-page book, *The Durbin Report*, chronicles the deceit of Congress far better than all of the media's reporting of the last decade—combined—for they have only, ever, served up lies. A “broken” Public Debt limit, never legally raised, though no one in the country knows that owing to dishonest reporting by the nation's media, including credentialed members of the Congressional Press Galleries. But this is a book which Plaintiff could never successfully sell while all Washington, including these Defendants, are engaged in an ongoing cover up of the nation's “broken” Public Debt limit.

19. Plaintiff is owed, by each individual member of Congress, at a bare minimum, a First Amendment Press right, including the allowance and approval for the simple act of the citizen-journalist visiting their receptionist office during “normal business hours” when the Complex is

“open to the public.” While citizens should have their rights of religion, speech, assembly, and petition honored by members of Congress at their offices in the Complex, the citizen-journalist has an important, constitutionally protected right which cannot legally be denied, or one which must at least be answered for as members respond to specific requests from citizen-journalists. Yet, if only one or two members of Congress “honor” that “press right,” that might not be worth the paper it was written on by virtue of the actions and decisions by other congressional officers, sergeants at arms, the chief and members of the Capitol Police. Plaintiff has been stuck in limbo, experiencing great emotional distress, including the inability to earn a living, because one written request after another, asking for the honoring of his five First Amendment constitutional rights by members and officers of Congress, including specific access to the Complex, have forever gone unanswered.

Fifth Locus: Formal Press Rights of John Paul Durbin
a citizen who is a professional journalist

20. Plaintiff, by specific written request of application, asked Defendant officers of Congress for a formal press credential, July 1, 2024. Plaintiff made a series of reasonable requests for his access as a professional journalist. Asserting his professional reporting credentials, Plaintiff detailed the spending-and-debt games of Congress in recent years, including the “broken” Public Debt limit and the always-late, always-rushed-to-its-conclusion annual spending bills. These specific details, of the nation's rapidly degrading financial health, are ones which the 1,300-plus credentialed members of the Congressional Press Galleries, their editors, media managers, and owners have hidden from the nation. The nation believes that there's a stated, legal limit for the Public Debt. There is, but it's \$14.294 trillion, while Treasury reported the nation's outstanding Debt at \$36.170 trillion, on January 2, 2025. That latter figure is a dollar amount which Treasury, Congress, and everyone in the the world of political media, financial media, finance, money management and investing now wishes to “pretend” is “the” real, legal limit. Which it's not!

21. Without the power and force of courts protecting his First Amendment rights, this citizen has not found the reasonable, easy, orderly and safe passage for his needed visits to see those whom he would accuse on Capitol Hill. Access which would be his as a credentialed member of the press. This author, writer, and ordinary citizen has chosen to claim status as a professional journalist and will gladly join the fray under color of that banner in the advancement of his cause, to see his rights honored by whichever course will yet yield success for his access into and throughout the Complex during “normal business hours” when those building are “open to the public.”

22. Plaintiff calls upon the Court to find that (i) a First Amendment press right for professional journalists exists beyond and outside the current arrangements between Congress and the Congressional Press Galleries. (ii) Plaintiff will demonstrate to the Court a *prima facie* case for his status as a professional journalist, providing more than enough evidence necessary for a summary judgment, as no genuine issue of material fact will remain unspoken, for his standing to be acknowledged and stated in law. (iii) The current practices of Congress for press accreditation are insufficient to accommodate this Plaintiff, (iv) Congress may not, may never, confer accreditation of “other professional journalists” to the existing Congressional Galleries, as that (v) would and does violate due process and equal protection, allowing one “class” of journalists to hold accreditation power over a “different kind of professional journalist,” perhaps a citizen-journalist-activist, who would, in fact and by practice, be both a competitor and a journalist whose professional reporting style, viewpoint, journalistic ethics, employment and compensation would be so radically different from theirs. (vi) In the absence of an existing process for the accreditation of such journalists, and (vii) having failed to respond to the Plaintiff in a timely and forthcoming manner, (viii) the Court shall find that the speaker of the House and the Senate Rules and Administration Committee have violated Plaintiff's First Amendment press rights and (ix) must, forthwith, award him a press credential, (x) to include the photo I.D. badge-on-a-lanyard worn by everybody else.

JURISDICTION AND VENUE

23. This Court has jurisdiction over this action under 28 U.S.C. § 1331, as the claims arise under the Constitution and the laws of the United States, specifically implicating each of the five First Amendments rights, individually, of the free exercise of religion, freedom of speech, the press right of an individual citizen, a separate press right of a professional, unaffiliated reporter, the freedom of assembly, and the right to petition the government for a redress of grievances. In addition, this action is over each of the 26 possible combinations of two-or-more of those First Amendment rights. Jurisdiction is also invoked under 28 U.S.C. § 1343. Further, this action arises under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb.

24. This Court has the authority to grant declaratory judgment and order injunctive relief under 28 U.S.C. §§ 2201, 2202 and 5 U.S.C. §§ 702-706.

25. Venue is proper in this District under 28 U.S.C. § 1391(e)(1)(C) because Plaintiff resides in this judicial district.

PARTIES

26. Plaintiff John Paul Durbin is a resident of the State of Ohio, a citizen-journalist-activist who has spent the last fourteen years researching and writing a book on the spending-and-debt games played by Congress. The culmination of that project was the production of an 800-page manuscript. Alas, since this book reports on the worst financial scandal in the 236-year history of this republic, a scandal still being hidden by Defendants, it is an impossible-to-sell book until this scandal “breaks” onto the public stage. The manuscript was put on hold thirty-four months ago. The book-author Plaintiff became an independent, unaffiliated, crusading journalist-advocate, fighting for his necessary First Amendment rights so that he can fully report this story. That includes gaining access to the seven Congressional Office Buildings on Capitol Hill: first, as

a citizen; second, as a citizen-journalist; third, receiving the formal credential by the appropriate congressional officers, as they recognize his status as a professional journalist covering Congress; though, fourth: *not* as a member of the existing Congressional Press Galleries. As this suit is filed, it marks the sixty-month milepost as this citizen-journalist-activist, author, now reporter, has pushed at the leaders and members of Congress to answer for the “broken” Public Debt limit. Plaintiff is advocating for honest, transparent, orderly, calm, deliberative, and accountable: public government, by Congress. As a person of faith, John Paul Durbin is called by God to be a servant-leader as he champions the cause of honest and accountable public government by Congress, especially as it completes its most important and consequential annual task, passage of the “budget,” the annual spending which funds the Government of the nation. Coinciding with its duty to pass spending, Congress must attend to the legal status of the Public Debt, 31 U.S.C. § 3101. As a person of faith, John Paul Durbin is asking for honest and forthright servant-leadership by the members of Congress which will be absolutely crucial for the nation as this scandal “breaks.”

27. Defendants are sued in their official capacities. Some Defendants have control and authority over the selling and redemption of the Public Debt of the nation: Treasury bills, notes, and bonds. Some Defendants have control and authority over the reporting of the finances of the nation, including the past and current status of all Treasury Debt of the United States. Some Defendants have the control and authority over access to their congressional offices, bearing a responsibility to honor the First Amendment rights this citizen as he requests access to their Capitol Hill offices. Some Defendants have the control, authority, and responsibility for considering and ruling on applications to them for a formal press credential for reporting on the Congress of these United States of America which includes their responsibility to honor a First Amendment press right, granted directly by them, to a professional journalist-applicant, when no other legal remedy is possible, owing to the unique status of an independent, journalist-applicant.

28. Defendant Joseph Biden is the 46th President of the United States.
29. Defendant Janet Yellen is the 78th Secretary of the Treasury of the United States.
30. Defendant Shalanda Young is Director of the Office of Management and Budget.
31. Defendant Timothy Gribben is Commissioner of Bureau of Fiscal Service.
32. Defendant Phillip W. Swagel is Director of the Congressional Budget Office.
33. Defendant Karen Donfried is Director of the Congressional Research Service.
34. Defendant Mike Johnson is Speaker of the House of Representatives.
35. Defendant John Thune is Majority Leader of the United States Senate.
36. Defendant Chuck Schumer is Minority Leader of the United States Senate.
37. Defendant Hakeem Jeffries is Minority Leader of the House of Representatives.
38. Defendants Amy Klobuchar and Deb Fischer were co-chairs of the Senate Committee on Rules and Administration, for the 118th Congress, 2023–2024.

STATEMENT OF FACTS

The history of the Public Debt: 1917 – 2011

39. The legal standing of the Public Debt of the United States, in 2025, had its humble beginning as the Second Liberty Loan Act, of September 24, 1917.

40. The United States of America was a reluctant combatant and late entrant into World War I, finally declaring war on Germany on April 6, 1917. On April 24, 1917, the nation authorized the sale of war bonds to help finance the war, with the First Liberty Loan Act of 1917, which authorized \$5 billion in Debt. On September 24, 1917, the 65th Congress and President Wilson approved the Second Liberty Loan Act, providing for an additional \$7.5 billion in Debt. Those Liberty War Bonds of 1917 all stated the exact dollar amount for the total Debt allowed, serving as what we call today: the Public Debt limit. The war bonds from 1917 were never fully paid off. But this section of the United States Code had a staying power which no one in 1917 would have ever

guessed. This addition to the law of the land, to sell bonds to finance World War I, became the legal method to begin borrowing in the run up to World War II. In 1935, the authorization for the First and Second Liberty Loan Acts of 1917 were increased, for the first time, from their original amounts, to a combined total of \$35 billion. In 1938, another boost pushed the total to \$45 billion. At its height during World War II, on April 3, 1945, a \$40 billion increase pushed the Public Debt limit to \$300 billion. That legal limit was reduced to \$275 billion, June 26, 1946, not yet one year after World War II ended. The Public Debt of the nation, begun to fund one war, used to fight the second, *would never* be substantially retired, *or lowered*, after this 1946 event.

41. The Office of Management and Budget (OMB), on behalf of the Article I executive, the president of the United States, tracks and reports on the finances of the nation. It reports on the Public Debt. *See* Ex. 2 – OMB Table 7.3 – Statutory Limits on Federal Debt: 1940 – Current.

42. Congress and presidents have found it easy to spend, and overspend, but they've lacked the commensurate ability to speak the truth about their spending-and-debt games to the American people. The ugly reality is that they're going to overspend, while hoping the public doesn't know or understand that or isn't paying any attention to the effects of their unrestrained spending, which is always adding ever more Debt. The problem for them, ever since 1917, *has been that there has always been that stated* legal limit for the amount of Public Debt allowed. Or, as our story began, the original limit on the amount of war bonds to be sold. That's for a war over a century ago.

43. OMB Table 7.3, line 11 (8th Debt event, owing to the title lines), of August 28, 1954, President Eisenhower and the 83rd Congress chose to not boost the fully-stated limit of \$275 billion, but allow for a “temporary increase” of \$6 billion, for a period of 10 months. Since that date, Congress and presidents have played a back-and-forth game between boosting the fully-stated (1917 Liberty Loan) limit and/or boosting that total with some amount of a “temporary increase.”

44. OMB Table 7.3, line 40 (37th Debt event) of March 17, 1971, saw President Nixon

and the 92nd Congress make the final boost of the “permanent” (1917 Liberty Loan) limit, to \$400 billion. That law had a sidecar, adding a \$30 billion “temporary increase,” to end on June 30, 1972.

45. OMB Table 7.3, line 71 (68th Debt event), of September 30, 1982, was the final Debt event which had two components, the “fully-stated” limit (continuation of the 1917 Second Liberty Loan Act), which has been “stuck” at \$400 billion (since March 17, 1971) while the “temporary increase” had ballooned to \$890.2 billion, for a total limit for the Public Debt, of \$1,290.2 billion.

46. OMB Table 7.3, line 72 (69th Debt event) of May 26, 1983, eliminated the false distinction of two categories of Debt, now calling all of the nation's Public Debt “permanent” and setting the limit at \$1,389 billion. That reasonable agreement was between Ronald Reagan, the 40th president, and the 98th Congress. Yet the games will continue, merely evolving to something else

47. OMB Table 7.3 is fairly clear in its reporting of the chaotic and happenstance way which presidents and Congress “played” with the Public Debt limit. It all began as a stated dollar limit for those Liberty War Bonds of 1917. While the underlying bonds had interest rates and maturity dates set by Treasury at the time of issuance, the legal limit remained a legal limit until otherwise addressed. That is, the language in the law provided an opportunity, either representing good management by good government or clever sleight-of-hand, for Treasury to redeem bonds at maturity while at the same time continuing to issue brand new Debt under the original authorization as long as the total outstanding remained under the legally-set limit.

48. Every Debt event recorded and presented by OMB in Table 7.3 is a fair and honest representation (as best as I can tell) of each Debt event. However, my endorsement of honesty and integrity of OMB Table 7.3 is qualified: it's *only honest through-and-including line 109*.

49. Line 109 is the 106th legal-and-stated-limit Debt event. President Obama and the 111th Congress increased the Public Debt limit by \$1,900 billion, to \$14,294 billion (\$14.294 trillion). This was a straightforward increase, by stated dollar amount, with no time component to it. Thus,

from February 12, 2010, forward: \$14.294 trillion was the new, legal limit for the total outstanding Debt of the nation, as it appears in law, in 31 U.S.C. § 3101(b). *See* Ex. 1 – Public Debt Limit.

50. Beginning with the 8th Debt event, of August 1954, through the 106th Debt event, February 2010, these Debt events always, always, always, stated the total, legal amount of the Public Debt allowed. Almost every individual event increased the limit, by some stated amount, to a new, stated total. Many times, a dollar amount with no time limit on it, meaning that there would be no need for further action. At other times, Congress and presidents played a game, perhaps raising the 1917 Liberty Loan amount (while it still existed, until May of 1983), then boosting that total with a “temporary increase” of some amount.

51. Fast forward to 2011. For decades, Congress has been spending too much money. The dramatic effects, the intended “improvements” which Congress put into the Budget Control Act of 1974 proved to be nothing more than empty promises. Judging Congress on its record of passing the annual spending for the nation in 12 bills, and getting that done by September 30, the day before each new fiscal year begins—as they'd promised, in that 1974 budget law—they've failed. But Congress had been cleverly hiding its spending circus from the nation with one missed deadline after another. But the Public Debt game is a bit different. Most times, a stated Public Debt limit has no “fixed” calendar date; it's there and in the Code and works until too much deficit spending catches up to that amount. By the summer of 2011, the publicly stated, continually raised Public Debt limit had been “working,” sitting in the United States Code, for 94 years. A specific, stated, dollar-denominated limit, for all 94 years. It wasn't always perfect, and far too often a dramatic circus, but it worked.

52. But the political pressure was *on*, for Republicans, in 2011. With their win in the 2010 November election, the GOP had taken back control of the House for only the second time in 52 years. Democrats controlled the House from 1955 through 1994, and 2007 through 2010. The Great Recession 2007-2008 had blown a huge hole in the nation's finances. That disaster echoed through

federal spending, beginning with Fiscal Year 2008 (FY2008) and hitting its last, high note with FY2012. Republican control of the House began January 3, 2011. House Republicans and Speaker John Boehner waited over three months, to early April 2011, to unveil and hastily approve their single, monster spending bill covering all twelve individual bills which they were supposed to pass for FY2011. FY2011 was finally, legally approved, April 15, 2011. Since the landmark Budget Control Act of 1974 took effect, September 1976, for FY1977, Congress had passed spending late 31 out of 35 years; as FY2011 was passed (the 35th year under the 1974 law), it was the 14th late year-in-a-row since the last time annual federal spending was passed on time, September 1996, for FY1997. For those 14 late years-in-a-row, FY2011 set the record for how many days late, at 197 days; that's six-and-a-half months late, for a fiscal year which began back on October 1, 2010. The political problem for House Republicans wasn't confined to the embarrassment of getting spending passed so damn late. They had given away the store, with their approval of FY2011 spending, which would end up booking the then-second-highest deficit on record, at \$1.3 trillion.

53. Now, with FY2011 spending in the books: What about the Debt limit? Republicans decided they needed to prove they were serious about fiscal restraint. Speaker Boehner and President Obama and their staffs worked a series of private negotiations but couldn't negotiate their way to an agreement. Into the breach stepped the thirty-six year veteran of the United States Senate, Vice President Joe Biden. Senate minority leader Mitch McConnell negotiated on behalf of Republicans in Congress. Republicans needed a clever deal that they could tout as a "win." So this was the deal they came up with: 1) \$741 billion in spending cuts (over ten years); 2) Joint Select Committee to find \$1.5 trillion in spending cuts (over ten years) or a mandatory sequester of *intended spending*; 3) votes in the House and Senate on a Balanced Budget amendment to the Constitution; 4) raising the Public Debt limit by \$2.1 trillion, in three steps, with increases of \$400 billion, then \$500 billion, then \$1.2 trillion. But the poor lawyering by whomever wrote the bill failed to realize that the goofy, complex

mechanism for “raising” the limit—didn't, couldn't, raise the stated Public Debt limit. Not at all.

54. The total dollar amount for the Obama-Biden-McConnell spending-and-debt deal was \$2.1 trillion. But Republicans in Congress did not want to be seen “topping” the previously largest-increase-ever of the limit, Obama Debt event #3, of February 12, 2010, a \$1.9 trillion increase in the limit, to \$14.294 trillion. The authors of Obama-Biden-McConnell “staged” the \$2.1 trillion increase to come in three steps. Congress had “approved” the full \$2.1 trillion increase in the Public Debt limit. In reality, it was “conditionally approved.” The president had to “certify” to Congress that each installment was necessary. Clever Mitch McConnell had already parked in the bill provisions so that Congress could take another two votes, denying the second-and-third limit increases, of \$500 billion and \$1.2 trillion which it had approved only months ago. So, had the bill “legally raised” the stated Public Debt limit in law, in the United States Code, 31 U.S.C. § 3101(b)? Apparently not. Because a law isn't a law: *when someone gets to pencil in some final, conditional amount, sometime later.*

55. To this day, I am stunned by the honesty and integrity of the Office of Law Revision Counsel (OLRC)—at least on this specific matter. Everyone should take a few minutes to go look at 31 U.S.C. § 3101, online, at congress.gov. At the very top of the screen comes 31 U.S.C. § 3101(a), (b) and (c). Immediately under that text comes the list (hot links to the underlying documents) for a whole bunch of “increases” in the Public Debt limit, some of which may have been limited in time. Then there's “Historical and Revision Notes.” Between the two there's an almost comprehensive list (I'm not sure, I'm rushing to file this) of every Public Debt event. Note: no language is used right here, it's on down the page. All of the nation's Public Debt events had been relatively straightforward—until 2011. The way Obama-Biden-McConnell was written, and what OLRC did, was very simple. The law didn't “touch” where the nation's Public Debt limit had “lived,” in 31 U.S.C. § 3101(b). Obama-Biden-McConnell placed its “conditional approval” in a brand-new category, 31 U.S.C. § 3101A, and OLRC took its title from the bill the title: “Presidential modification of the debt ceiling.”

OLRC, in a singular act of honesty and integrity, a kind of “silent whistle-blower event,” dumped all of the paragraphs of the “conditional,” convoluted sleight-of-hand approval: into the Code. But the folks at OLRC didn't, couldn't, change the stated dollar amount, of \$14.294 trillion, from Pub. L. 111-139, as it has sat there, since February 12, 2010. And the amount in the United States Code has not been changed by ten, subsequent Public Debt limit events, regardless of what the members of Congress have said, regardless of what their media buddies reported (and oh, by-the-way, media: it was never “raised!”). The stated dollar amount in the United States Code, today, is \$14.294 trillion.

56. The final upshot: Obama-Biden-McConnell *allowed* Treasury to borrow \$2.1 trillion, as a “sidecar” to the Public Debt limit, in 31 U.S.C. § 3101(b), of \$14.294 trillion, which Obama-Biden-McConnell didn't change. With all of that mess, as the final legal step of the Public Debt limit of the United States. So the legal limit, probably, sort of, likely, should be: \$16.394 trillion.

Citizen-journalist-activist John Paul Durbin

57. In January 2020, the Plaintiff walked a letter into four congressional offices in Columbus, Ohio: Senator Sherrod Brown, Senator Rob Portman, Representative Joyce Beatty, and Representative Steve Stivers. Each letter was co-addressed to the member's caucus leader, being Chuck Schumer, Mitch McConnell, Nancy Pelosi, and Kevin McCarthy. The letter was a general call upon Congress to consider the “crippled” Public Debt limit and take some public action. Congress took no such action and no appreciable changes were made. In January 2020, the Public Debt limit in 31 U.S.C. § 3101(b) was \$14.294 trillion, and remained unchanged after the letter. Plaintiff continued to edit his book, continued his research, and pondered what to do next.

58. In March 2021, the Plaintiff ceased editing his book, understanding that it would be impossible to sell a book for a scandal which was being suppressed, lied about, and hidden from the general public by the members of Congress, now a third presidential administration, all of the credentialed media covering Congress and the White House, all of the nation's financial press, with

the oddest, studied silence by the three financial ratings agencies, the nation's most expert securities lawyers, and even the investment wizards throughout the nation's large firms specializing in assets under management. The author's difficult challenge was to find a way to promote the book, get the media to break the story, or find a way to force either president or Congress to answer in court.

59. October 14, 2021, marked the first Public Debt event for President Biden, but the 9th event in the string which began with the Budget Control Act of 2011, which effectively “crippled” the Public Debt limit. There were a curious set of details surrounding this Public Debt event. Following the Budget Control Act of 2011, the next-seven Public Debt events, four under President Obama and three under President Trump, each merely “suspended” the Public Debt limit, which consistently remained at \$14.294 trillion, as set by Pub. L. 111-139, which had added \$1.9 trillion to the existing amount which had been continually updated in 31 U.S.C. § 3101(b). Suddenly, everything changed. In ten days, from September 29 through October 7, 2021, the House and Senate took a nothing of a bill, a single page of text, proclaiming to be about “Promoting Physical Activity for Americans Act,” wiped away all of the text of the bill, then added a single line for the law: “The limitation under section 3101(b) of title 31, United States Code, as most recently increased by section 301 of the Bipartisan Budget Act of 2019 (31 U.S.C. 3101 note), is increased by \$480,000,000,000.” However, since 31 U.S.C. 3101(b) had remained “stuck” at \$14.294 trillion, since February 12, 2010, what would this mean? This dollar amount went into the footnotes of 31 U.S.C. 3101, and nothing more. The “in-house” Treasury Public Debt limit, since it is no longer stated by dollar amount in the United States Code, was “increased,” or “relieved,” but for only 8 days, until October 22, 2021, when Treasury's “Debt to the Penny” web page reported that it was once again stuck, now at \$28.909 trillion. It was now obvious to this reporter that the members of Congress had to know what was going on with the “crippled” Public Debt limit. I had to go to Washington and see who I might confront with this reporting and how that might be done. There are three more intriguing details on

this, the first Biden Public Debt event.

60. The first odd detail. As previously noted, the Sherrod Brown-introduced bill, S.1301, titled “Promoting Physical Activity for Americans Act,” had been gutted and replaced with a single sentence adding \$480 billion to the “in-house” Treasury Public Debt limit and into the online footnotes of the United States Code. Unlike a thousand other bills passed into law, Congress did not change the title of this bill. Rhetorically, I’ll ask: Why they didn’t change the title, but I have no doubts why. It’s the cover-up for the “crippled” Public Debt limit, the cover-up which has left me with a book I cannot effectively market. To repeat: they didn’t change the title of the bill, as it would become law. If you query congress.gov for the laws passed by the 117th Congress, you will find the ordered list, from the first law, PL 117-1 through PL 117-362.¹ Looking for Pub. L. 117-50, which was this Public Debt limit law, you find its entry is: S.1301 - Promoting Physical Activity for Americans Act.

61. The second odd detail. The elected government of the nation is comprised of 435 representatives, 100 senators, and the president and vice president. When it came to the Public Debt limit negotiations over the summer and into the fall of 2021, all Washington stood down, stayed silent, and made sure to stay out of the picture, leaving it to the two old dogs of the senate, Majority Leader Chuck Schumer and Minority Leader Mitch McConnell to decide what to do. Now, while this “fact” was noted in press reports, no one in the media or in the commentariat thought this detail interesting, unsettling, undemocratic, or at great variance with Constitution and any semblance of functioning checks and balances in the system. I note that while the political, legal, and financial professionals and elites in Washington, New York, and throughout the nation knew of the “crippled” Public Debt limit, still stuck at \$14.294 trillion, the rest of the nation had no idea. Were the Senate leaders discussing how to cut spending, or slow its rise, or raise taxes, or do something to change the arc of the never-ending, accelerating rise of each year’s deficit, ever-piled atop the heap of the nation’s

1. Statutes at Law and Public Laws: <https://www.congress.gov/public-laws/117th-congress>

Public Debt? Surely Republicans in Congress weren't going to rollover and allow Democrats to easily raise the limit, getting no concessions in return. Hah! What no one knew was that the limit hadn't been raised, for real, for a decade. I wonder what they'll say when this scandal finally breaks.

62. The third odd detail. Though some middling percentage of Republicans in Congress are voting for most of the annual spending bills, not a single House or Senate Republican voted for this addition of \$480 billion to the Public Debt limit, though the it's now only functioning as textual footnotes, and not with the full force of law, if it was in the Code instead of the footnotes. For this Debt event, Senate Republicans ended up “exposed” by leader McConnell, as he put them in a awful spot, where they were “forced” (“chose”) to sit on their hands and not filibuster this Democrat Debt event (failing to use their leverage). They complained, mightily, after this, acting as though McConnell negotiated in secret and they hadn't known what was up and didn't like having to accept what he had done. Within weeks, 46 of 50 Senate Republicans put out a letter, essentially playing the part of wounded warriors who were really, really worried about the rising level of the Public Debt.

63. On Monday, October 25, 2021, I phoned the Visitor Center for the United States Capitol Complex. I inquired about the ability of a citizen to visit the offices of members of Congress. Even in late October 2021, Congress still had “formal rules” in place regarding Covid-19. Maskless tours were being conducted in the Capitol Building and citizens coming for a member-approved visit were allowed in, but otherwise: no dice. Especially if that citizen wished to visit multiple offices. I thought: this can't be, this can't be right, this can't be constitutionally allowed. I phoned the Office of Legal Counsel for the Chief of the Capitol Police. Same answers, though more rudely conveyed; “you're telling me that I can't get in, and if I don't like it, then I'll have to go to federal court” I said. To which she replied, “I'm not telling you anything other than you can't get in.”

64. On Tuesday, October 26, 2021, I departed Columbus, Ohio, headed to Washington, D.C., to go find out for myself the facts on the ground. It was a bit of a miracle I went because I was

feeling unwell, but I was energized by the latest Public Debt limit bill, a scam, and angered by the dismissive comments by the secretary for the legal counsel of the Capitol Police.

65. Wednesday morning, October 27, 2021, I telephoned offices of representatives from my hotel room in suburban Maryland. I stated that I had traveled from Ohio, conveyed the effort put forth to come to Washington, and that I was not a resident-constituent of their member. I probably phoned about ten offices, was rejected by all, except for one office which said that I might be able to hand off a packet to a staffer on the plaza outside the building. I was disgusted with that, but that was better than nothing so I accepted that one offer, hoping for more once I arrived on Capitol Hill.

66. Capitol Hill, October 27, 2021, noon hour. It was nine and a half months since the disruptive riot on Capitol Hill, of January 6, 2021. A riot for which the Capitol Police failed to adequately prepare for. Now, I would pay a heavy price, as would every other American coming to Capitol Hill. I had the sense of being in a public place, those outdoor spaces of the Capitol Building and the congressional office buildings. Yet these spaces did not feel warm, friendly, or welcoming. Militarized police officers were outside each building, warily eyeing every citizen, with their sidearms clearly displayed, many wearing bulky bulletproof flak-jacket vests. I phoned the office of the representative and again spoke with that staffer. The offer of the document hand-off on the plaza was honored. We exchanged phone numbers and I requested a chance to come upstairs for a further discussion of these matters. I received no call back. I wander over to the Northwest corner of the Russell Senate Office Building, trying to collect myself and consider what next. I was unkindly accosted by a middle-aged white Capitol Police officer who denied my resting spot as it was closer to the building entrance than he would allow. I phoned half a dozen Senate offices only to discover that there was no human at the end of the line. Right about as I was ready to move on, the Capitol Police officer returned, might of said something. I looked for and recorded his last name, to which he took great offense. As a rude and discourteous final rejoinder, he said: "you know, we're all after you."

Why had he said that? Because I had taken his anonymity. Minutes later, at the Northeast corner of the building, I made the mistake of trying the huge, metal, outer doors to an entrance, not realizing this entrance was no longer used for ingress. I was able to get in the vestibule, but nothing more. Now the outer door seemed impossible to budge, to let me out, giving me a half-minute of panicked terror.

67. By 1530 hours that Wednesday, I was a beaten man, ready to dash away from the nation's capital to beat the evening's rush-hour traffic. This had been one of the most depressing days in my life as an American. The drive back to Ohio was but a blur as I considered what seemed to be my great failure. Coffee, bought in Morgantown, West Virginia, home of their state university, helped enliven me and buoy my spirits. Upon reaching the east side of Zanesville, Ohio, I encountered a massive traffic jam so I jumped off the interstate to save time while grabbing an opportunity at seeing the ordinary stretches of that town, home of the famous Y-Bridge and Zane Grey. I was ready to discard this defeat and find a way to press my case against the Congress of the United States.

68. December 16, 2021, marked the second Public Debt event for President Biden, now the 10th event in the string which began with the Budget Control Act of 2011, which “crippled” the Public Debt limit. President Biden and the 117th Congress now added a whopping \$2.5 trillion to the Treasury's “in-house” Public Debt limit. Pub. L. 117-73, much like October's event, said “That the limitation under section 3101(b) of title 31, United States Code, as most recently increased by Public Law 117-50 (31 U.S.C. 3101 note), is increased by \$2,500,000,000,000.” But this amount, as the one in October, went into the footnotes and nothing more.

69. October 20, 2022, John Paul Durbin files suit in Washington, federal district court, *Durbin v. Pelosi*, 1:22-cv-03222. Plaintiff asks for his First Amendment rights of assembly and petition be honored, by congressional leaders (Pelosi, Schumer, McConnell, and McCarthy), both sergeants at arms, and the chief of the Capitol Police, enabling him to present his formal Petition For Redress directly to the members of Congress at their individual offices on Capitol Hill. Plaintiff also

sued for a press credential, correctly identifying the responsible congressional officer for the House, the speaker, but never received a fair hearing on this point before the court dismissed this suit.

70. February 14, 2023. Letter to 33 United States senators running for reelection in 2024.

71. April 5, 2023. Letter to congressional leaders.

72. April 17, 2023. Letter to 34 stand up House Republicans.

73. July 1, 2024. Letter to speaker Johnson, senators Klobuchar & Fischer. Requesting formal credentialing, by them, for citizen-journalist-activist John Paul Durbin. In this letter I stated the actions which I was seeking to enjoy on my first few trips to Capitol Hill:

(a) I'm allowed in the Capitol Hill Office Complex during normal business hours. (b) I do not have to have an appointment with any member or staffer, nor will I require anyone's permission to come and go as I please. (c.) I enjoy a liberal allowance for the number of document pages I may bring with me for days when I'm making a number of visits, whether those are scheduled or not. (d) I may document visits to congressional offices and transit throughout Capitol Hill by video recording, including wearing a body camera (no prohibition noted in any rules). (e) Only under the most extraordinary circumstances will I be questioned by members, staffers, or Capitol police, for my presence in and transit through Capitol Hill, including my professional visits to congressional offices. No chaperone needed or allowed. (f) As soon as possible you will make arrangements for my photo I.D. press badge; What's the protocol: will you supply the lanyard or do I have to get my own?

74. Undoubtedly, because all Congress is part-and-party to hiding the "broken" Public Debt limit, these officers would never, ever grant me a credential and recognized standing as a congressional reporter. The mess, and its coming tectonic destruction, are so great that they couldn't bring themselves to even respond to this letter. *Well, okay, I'll see you in court.* As that portion of the letter closed, I wrote:

"Your current system doesn't address my First Amendment press rights. I need the same prerogatives, ease of access, unfettered and hassle-free ability to work my craft on the Hill—as your daily reporters enjoy, including the right to a picture I.D. press badge. For members or leaders of Congress to dole out anything less—isn't going to work for me. If it makes it easier for you, grant me trial press status for the rest of 2024, including items (a) through (f) above. Refuse me those and I'll see you in

federal court. Sadly, I'm fairly certain that's where I will have to go to get a final, fair, constitutional resolution on these matters."

75. July 11, 2024. Letter to the Capitol Police Board.

76. July 16-18, 2024. Letter to 180 members of Congress, requesting a *Hall Pass*.

77. July 17, 2024. Letters to the House clerk, Senate secretary. The letter to 180 members of Congress said that the July 1 and July 11 letters would be available to members, as I was, with this letter, providing copies to these clerical officers to make available to all members. Please confirm to me receipt of this letter and that you will or won't make them available to members. Your reply, or the lack thereof, may be noted in future legal actions. *I'm a man of my word*.

78. Plaintiff has repeated made the most basic and reasonable requests to the members of Congress. Allow me into the buildings when they are "open to the public." Allow me to visit as many offices as I choose, without the need or their requirement for prior approval. Grant me the ability to bring as many document pages as I desire, in the exercise of my five, First Amendment rights, individually, and in each of the 26 possible combinations of two-or-more of those rights.

CLAIMS FOR RELIEF

Count I: Violation of Borrowing Money

79. All foregoing paragraphs are incorporated as if fully set forth herein.

80. Article I of the Constitution gives Congress the power "To borrow Money on the credit of the United States." *See* U.S. Const. art. I, § 8, cl. 2. By definition that would be Debt legally approved by Congress and the president. Congress and the Article II branch have the nation at a place where over half of the outstanding indebtedness of the nation, as currently reported by Treasury, is beyond the legal borrowing limit of 31 U.S.C. § 3101(b) of \$14.294 trillion. *See* Ex. 1 – Public Debt Limit. With the addition of those dollar amounts authorized under § 3101A(a)(1), of \$900 billion, and § 3101A(a)(2)(i), of \$1.2 trillion, the maximum legal Public Debt is \$16.394 trillion. The

January 2, 2025, outstanding Public Debt of the nation stood at \$36.170 trillion. Thus, the United States Treasury Department has issued United States Debt it could not legally sell or service. *See* 31 U.S.C. §§ 3102, 3103, 3104, 3105, 3106, 3111, 3121, and 3123.

81. Pub. L. 112-25, August 2, 2011, was a politically expedient solution to Treasury being stuck at the Public Debt limit of \$14.294 trillion, from the \$1.9 trillion increase in the Public Debt limit in Pub. L. 111-139, of February 12, 2010. Pub. L. 112-25 gave the president the authority to certify the need for additional debt with subsequent borrowing by Treasury. Pub. L. 112-25 allowed Treasury to borrow an additional \$2.1 trillion. *See* 31 U.S.C. § 3101A. However, owing to the convoluted way the law was written, and subsequently implemented, the three-step, additional, “conditionally approved” borrowings of \$400 billion, \$500 billion, and \$1.2 trillion did not, could not, change the dollar amount in 31 U.S.C. § 3101(b) of \$14.294 trillion, as clearly stated there.

82. In the years following passage of Pub. L. 112-25, the next seven bills addressing the Public Debt limit, passed by Congress, signed into law by presidents Obama and Trump, each clearly stated that “Section 3101(b) of title 31, United States Code, shall not apply” for the calendar period stipulate in each bill. *See* Ex. 5b – Debt Limit Resolution. Those seven bills: Pub. L. 113-3, 113-46, 113-83, 114-74, 115-56, 115-123, and 116-37. While presidents and Congress may have a constitutional and legal ability to “suspend” the Public Debt limit in the United States Code, the legality of any suspension must meet a three-part test: A) did a legal limit for the Public Debt exist at the time the “suspension” took effect; B) would that limit, though suspended, still function every day of the “suspension” so that; C) upon the cessation of any “suspension,” the current amount of Public Debt would, as it must, remain under either the legal limit in place as the “suspension” began or with some increase to the limit passed into law during the “suspension.” Applying this standard to each of those seven “suspension” in law, calendar years 2013 through 2019, we find that each “suspension” failed the very first test as each began. Thus, each “suspension” had been illegal.

83. The next two Debt events came in 2021. Congress and President Biden choose to add stated dollar amounts, which only appear in the footnotes of the United States Code. Pub. L. 117-50, of October 14, 2021, declared: “The limitation under section 3101(b) of title 31, United States Code, as most recently increased by section 301 of the Bipartisan Budget Act of 2019 [Pub. L. 116–37] (31 U.S.C. 3101 note), is increased by \$480,000,000,000.” However, there was no dollar amount in Pub. L. 116-37, as it only “suspended” the Public Debt limit for a length of time. Thus, the \$480 billion added by Pub. L. 117-50 to the Public Debt limit was a legal fiction. Pub. L. 117-73, of December 16, 2021, piled its \$2.5 trillion in Debt atop Pub. L. 117-50. A second dollar amount of legal fiction.

84. The most recent Public Debt limit event: Pub. L. 118-5, of June 3, 2023. Congress and President Biden returned to the “suspension” strategy, as the law stated: “Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [June 3, 2023] and ending on January 1, 2025.” That's where the Public Debt limit sits today, as we can all read for ourselves: 31 U.S.C. § 3101(b), \$14.294 trillion. *See* Ex. 1 – Public Debt Limit.

85. The Public Debt limit had never been merely a “nice concept” confined to words on the page, but an enforceable dollar amount for Congress and presidents, passed into law by one Congress after another since 1917, signed by every president presented with a bill from Congress raising the limit. But, beginning with its first “suspension” of the Public Debt limit, in Pub. L. 113-3, one Congress after another and three presidents have attempted to portray to the nation that there is a *legal limit* to the Public Debt. The subtle, underlying message was—though never clearly stated—we, the Congress and presidents, sometimes “suspend” the limit, but there is a limit, it's a real limit, it's an important fiscal tool, and it has-been-and-remains an honest bond between Congress, presidents, and the American people. But those “unspoken,” empty words have been nothing more than a pack of lies, beginning with their first “suspension,” February 4, 2013, in Pub. L. 113-3.

86. Treasury secretary has repeatedly violated 31 U.S.C. § 324, “Disposing and extending

the maturity of obligations,” pretending to perform legally permissible activities on the Public Debt, while part-if-not-all of the Debt had become “tainted,” illegal, owing to the “broken” limit.

87. Treasury and presidents engaged in these unlawful acts and by concurrent and subsequent, intentionally false reporting, concealed their crimes from the American people. That this borrowing was-and-is illegal has been known by the Article I executive and officers, and by the Article II branch, by its leaders and all of its members. The continuation of these illegal acts, by themselves, are crimes against the nation, but they have also denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal for the nation since the Stock Market crash of 1929.

88. The Article II branch has repeatedly been challenged by Plaintiff on these matters, but all of his correspondence has gone unanswered. The Article II branch, its leaders, officers, and named Defendants have refused all inquires for the lawful exercise of Plaintiff's First Amendment rights.

Count II: Violation of Debt Payments

89. All foregoing paragraphs are incorporated as if fully set forth herein.

90. Article I of the Constitution gives Congress the power “to pay the Debts—” of the United States.” *See* U.S. Const. art. I, § 8, cl. 1. By definition that is payments of principle and interest for legally approved Public Debt. Congress and the Article II branch have the nation at a place where over half of the outstanding indebtedness of the nation is beyond the legal borrowing limits of 31 U.S.C. §§ 3101(b), 3101A(a)(1), and 3101A(a)(2)(i). Treasury has been making illegal principle and interest payments on the Public Debt of the United States. *See* 31 U.S.C. §§ 3102, 3103, 3104, 3105, 3106, 3111, 3121, and 3123.

Count III: Violation of Regulating the Value of Money

91. All foregoing paragraphs are incorporated as if fully set forth herein.

92. Article I of the Constitution gives Congress the power “To coin Money, regulate the Value thereof—”. *See* U.S. Const. art. I, § 8, cl. 5. Because Congress and the Article II branch have the

nation at a place where over half of the outstanding indebtedness of the nation is beyond the legal borrowing limits of 31 U.S.C. §§ 3101(b), 3101A(a)(1), and 3101A(a)(2)(i), not only is the Debt of the nation in doubt, but the underlying “Value” of the “Money” of the United States may suddenly be called into question. The United States dollar may suddenly be exposed to extreme pressures in world financial markets, a likely devaluation against other currencies, while interest rates in the United States skyrocket. All of these issues portend disastrous effects upon the “Value” of the nation's “Money.”

93. The “Value” of the nation's “Money” is much more than its name, its images, and the physical properties and the denominations of the nation's printed currency and struck coins. The “Value” of “Money” is a careful balancing act between currency in circulation, banking laws and regulations, and the policies of the Federal Reserve Board. Those items fall under the definition of monetary policy. Issues of fiscal policy, decisions on spending, taxation, and the amount of Debt, are choices directly approved by Congress and presidents. These two areas overlap when it comes to the Debt-to-GDP ratio and what investors and bondholders judge to be current risks and future prospects of the nation's “Money” and Debt. But the most basic measure of the “Value” of the nation's “Money” is the underlying trust by citizens in their government, in its management of the nation's fiscal affairs, and in the honesty and legitimacy of the actions of elected officials and the cumulative effects of their fiscal decisions over time. If the legal Debt of the nation is suddenly called into question by investors, with a dramatic repricing of assets in financial markets in the United States and around the world, citizens will see some of their hard-earned savings, retirement accounts, and rainy-day funds evaporate overnight. *That*, a devastating, real-world consequence for ordinary Americans, forced to pay the price for the political, financial, and legal decisions made by each Congress and every president. Political actors who, heretofore, overlooked or failed to more fully consider how the “Value” of the nation's “Money” might be judged in the marketplace—here and around the world—if some-or-all of the nation's Public Debt

could have its legality called into question. In doubt, because of a “broken” Public Debt limit.

94. Treasury has issued and serviced illegal Debt, beginning January 1, 2013. That's Debt which “appeared” to have been legally “approved” by Congress—as Congress and presidents pretended that the limit was legally functioning—which it wasn't, which will now adversely impact the “Value” of “Money” for bondholders of U.S. Debt and the savings of Americans, whether in financial deposits denominated in dollars or investments in stock and bonds.

Count IV: Violation of Necessary Laws

95. All foregoing Paragraphs are incorporated as if fully set forth herein.

96. Article I of the Constitution gives Congress the power “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers—”. *See* U.S. Const. art. I, § 8, cl. 18. Congress failed to pass the necessary laws for the ongoing use of legally approved Debt for the nation, as implemented by Treasury. Congress passed one law which “broke” the Public Debt limit, Pub. L. 112-25. Congress then passed 10 subsequent laws concealing the defect of Pub. L. 112-25, with Pub. L. 113-3, 113-46, 113-83, 114-74, 115-56, 115-123, 116-37, 117-50, 117-73, 118-5.

97. While courts might consider the separation of powers in the Constitution allows Congress wide latitude as a lawmaking body, those prerogatives cannot extend to a protection granting Congress an ability to pass laws in violation of the Constitution and existing provisions in the United States Code. The 112th Congress and President Obama broke the Public Debt limit with a single bill. Ten subsequent and intentional Public Debt limit laws failed the requirement of Necessary Laws. The likely cascading damage to some-if-not-all of the nation's outstanding Debt, along with a legal cloud over a more than a decade's worth of spending and a potential degradation of the “Value” of the nation's “Money,” will be the bitter fruits harvested because Congress repeatedly failed to pass the necessary—and legal—laws as required to manage the nation's Public Debt.

98. Every Count in this Complaint lodged against executives in the Article II Branch,

each violation of the Constitution and of the United States Code, is a concurrent failure by Congress to provide the necessary legislative oversight of administrative departments and agenciesp That includes a Congress repeatedly failing in its oversight of Treasury for its violations of laws.

**Count V: Violation of Money Drawn From Treasury
For Appropriations Made by Law**

99. All foregoing Paragraphs are incorporated as if fully set forth herein.

100. The Secretary of the Treasury has repeatedly violated 31 U.S.C. § 321(3), “issuing warrants for money drawn on the Treasury consistent with appropriations;” yet these appropriations have not been wholly legal, owing to the use of illegal Debt swirling in the nation's financial coffers.

101. The Secretary of the Treasury has repeatedly violated 31 U.S.C. § 331(a)(1), reporting “a statement of the public receipts and public expenditures for the prior fiscal year;” as the secretary has performed these legally required activities, while the secretary failed to fully account for part-if-not-all of the “tainted,” illegal Public Debt, owing to the broken Public Debt limit. Those reporting violations began with the term of the 78th secretary of the Treasury, January 26, 2021. Further failure by the Treasury secretary, violated 31 U.S.C. § 331(b)(A), failing to fully account for “the total and individual amounts of contingent liabilities and unfunded liabilities of the United States Government.” Undoubtedly the “broken” Public Debt limit would have not been fully and honestly categorized as a “special kind of liability,” with a far greater, disastrous potential, from all of the other contingent liabilities of the nation. Further failure by Treasury secretary, violating 31 U.S.C. § 331(e)(1), failing to “prepare and submit to the President and the Congress an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of the executive branch of the United States Government. The financial statement shall reflect the overall financial position, including assets and liabilities, and results of operations of the executive branch of the United States Government.”

102. Article I of the Constitution states that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time”. *See* U.S. Const. art. I, § 9, cl. 7. “Appropriations made by Law” means spending approved by Congress and the president. Spending, with monies drawn from Treasury accounts, includes tax payments by citizens and corporations. But some of those dollars spent by Treasury had come from the sale of Debt instruments, money loaned to the United States. Money from Treasury-sold Debt was being used each year, when annual and special appropriations exceeded tax revenues. Spending more than what's coming in, in taxes, creates a deficit for that fiscal year, financed by these additional borrowings.² However, Treasury expenditures cannot be considered to be fully “legal expenditures” when spending approved by Congress is financed, in part, by the legal indebtedness of the nation, but then commingled with indebtedness beyond the legal limits of 31 U.S.C. §§ 3101(b), 3101A(a)(1), 3101A(a)(2)(i). Thus, beginning December 31, 2012, the United States Treasury Department has been making illegal expenditures on behalf of the Congress. Congress and presidents may choose to spend more than tax receipts for any given year, but Treasury may not spend more than the combination of taxes coming in, boosted by the addition of “legally approved Debt.”

103. A further violation of Article I, section 9, occurs under the reporting requirement of clause 7. Whether this reporting requirement is exclusively a legislative one, as it comes in Article I, or is an ambiguous, joint responsibility of both the Article I and Article II branches, or the exclusive duty of the Article II branch, where Treasury resides, no reporting to the nation over the last twelve years, since January 1, 2013, has honestly, correctly, and completely reported the status of “legal Expenditures” owing to the “broken” Public Debt limit.

2. Treasury, “The National Debt Explained.” <https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/>

104. Honest financial accounting, required under Article I, section 9, clause 7, calls for the full reporting of “Receipts and Expenditures.” Sounds simple. Money coming in and money going out. However, that would include the full accounting for the Public Debt, for the “flows” of that Debt, as Debt is intimately intertwined with the all of the expenditures of government. Reporting on the “flows” of Debt would include the current status of the legally approved Public Debt. The most prominent and conscientious example, though it has been and remains completely false, is the Daily Treasury Statement, easily downloadable in PDF form at the Treasury Department.³ This four-page document proudly serves up Table IIIC – Debt Subject to Limit. Further online informational pages by Treasury, on the “Debt Limit,” serves up eight sentences in four paragraphs, with no mention of a dollar amount to the Public Debt. Treasury continues its obfuscation in “America's Finance Guide,” presented by FiscalData.Treasury.gov (maintained by the Bureau of the Fiscal Service), where an entire web page for citizens works to help them understand the national debt without putting a dollar amount to the legal limit for the Public Debt. The dissembling by the Treasury Department continues in its section “Tracking the Debt,” where we discover that the Bureau of the Fiscal Service “manages all federal payments and collections and provides government-wide accounting and reporting services. A primary function of the Fiscal Service is to account for and report the national debt, as dictated by the U.S. Constitution, which states that ‘regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.’” Treasury simultaneously acknowledges its constitutional reporting requirement, while at the same time hiding from the nation the ongoing illegality of the Public Debt. And the final cherry atop this sundae: nowhere on the online pages of Treasury will anyone discover a stated dollar amount, a “limit,” for the Public Debt of the nation. The facts of this suit make it abundantly clear why the honest reporting by Treasury on the Public Debt has been absent from their public information: for years.

3. <https://fiscaldata.treasury.gov/datasets/daily-treasury-statement/operating-cash-balance>

Count VI: Violation to Advise Congress

105. All foregoing Paragraphs are incorporated as if fully set forth herein.

106. Article II of the Constitution requires that the president “recommend to their [Congress] Consideration such Measures as he shall judge necessary and expedient;—”. *See* U.S. Const. art. II, § 3, cl. 1. President Biden, who negotiated the deal which broke the Public Debt limit, in 2011, failed to advise Congress, upon taking office, January 20, 2021, that he inherited a “broken” Public Debt limit. He failed to advise Congress that the financial accounting of the nation was no longer honest, probably not legal. President Biden, his Treasury secretary and attorney general, failed to advise Congress that the ongoing spending of the nation was now irreparably illegal because of illegal Debt swishing around in the financial accounts of the nation. President Biden failed to advise Congress that the first Debt event of his presidency, the “addition” of \$480 billion to the Public Debt limit, in Pub. L. 117-50, which Congress presented to him in October 2021, was not legal. He further failed to advise Congress that the paltry \$480 billion added in Pub. L. 117-50, in S.1301 “Promoting Physical Activity For Americans Act,” would release Treasury from its “extraordinary accounting and book-juggling measures” for only eight days. Instead, he eagerly signed that bill into law. That paltry eight days of “relief” for Treasury forced President Biden and Congress to pass a second Biden Debt event, a mere two months later, on December 2021. Pub. L. 117-73 pretended to add \$2.5 trillion to the Public Debt limit, which only appears in the footnotes of 31 U.S.C. § 3101, instead of changing the dollar amount in 31 U.S.C. § 3101(b), of \$14.294 trillion. Finally, President Biden failed to inform Congress that the “suspension” of the Public Debt limit, June 3, 2023, covering the rest of his presidential term, in Pub. L. 118-5, was not a legal “suspension” of the limit.

Count VII: Violation of 31 U.S.C. § 3101(b), Illegal Suspensions of the Public Debt Limit, then leaving the nation “stuck in limbo” as each “Suspension” ended

107. All foregoing Paragraphs are incorporated as if fully set forth herein.

108. The president, Treasury, Congress (itself) and Defendant members, have repeatedly violated 31 U.S.C. § 3101(b), the Public Debt limit of the United States, currently stated as \$14.294 trillion, as set by Pub. L. 111-139, February 12, 2010.

109. A violation of Pub. L. 111-139, of the Public Debt limit of \$14.294 trillion, for the period of April 15-20, 2011, up to \$26 billion over the limit; April 25-27, 2011, up to \$10 billion over the limit; May 2 to August 2, 2011, holding “steady” at \$50 billion over the \$14.294 trillion limit, as reported by Treasury's “Debt to the Penny” historical data. 78 days “stuck.”

110. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for a total of \$16.394 trillion in legal borrowing allowed by Treasury, for the period of December 31, 2012, to February 4, 2013, holding “steady” at \$39 billion over the limit, as reported by Treasury's “Debt to the Penny” historical data. 35 days “stuck.”

111. A violation with the passage of Pub. L. 113-3, effective February 4, 2013, which pretended to suspend the legal Public Debt limit, stating that “Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Feb. 4, 2013] and ending on May 18, 2013.” An illegal suspension of 104 days. On February 4, 2013, Public Debt was \$16.475 trillion, on May 18, 2013, Public Debt was \$16.737 trillion.

112. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of May 19, 2013, to October 17, 2013, holding “steady” at \$16.738 trillion, as reported by Treasury's “Debt to the Penny” historical data. 151 days “stuck.”

113. A violation with the passage of Pub. L. 113-46, effective October 17, 2013, which pretended to suspend the legal Public Debt limit, stating that “Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date on which the President submits

to Congress a certification under subsection (b) and ending on February 7, 2014.” An illegal suspension of 114 days. On October 17, 2013, Public Debt was \$17.067 trillion, on February 7, 2014, Public Debt was \$17.259 trillion.

114. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of February 8, 2014, to February 15, 2014, holding “steady” at \$17.259 trillion, as reported by Treasury's “Debt to the Penny” historical data. 7 days “stuck.”

115. A violation with the passage of Pub. L. 113-83, effective February 15, 2014, which pretended to suspend the legal Public Debt limit, stating that “Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Feb. 15, 2014] and ending on March 15, 2015.” An illegal suspension of 394 days. On February 18, 2014, Public Debt was \$17.385 trillion, on March 15, 2015, Public Debt was \$18.152 trillion.

116. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of March 16, 2015, to November 2, 2015, holding “steady” at \$18.152 trillion, as reported by Treasury's “Debt to the Penny” historical data. 231 days “stuck.”

117. A violation with the passage of Pub. L. 114-74, effective November 2, 2015, which pretended to suspend the legal Public Debt limit, stating that “Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Nov. 2, 2015] and ending on March 15, 2017.” An illegal suspension of 500 days. On November 2, 2015, Public Debt was \$18.492 trillion, on March 15, 2017, Public Debt was \$19.846 trillion.

118. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of March 16, 2017, to September 8, 2017, holding “steady” at \$19.846 trillion, as reported by

Treasury's "Debt to the Penny" historical data. 176 days "stuck."

119. A violation with the passage of Pub. L. 115-56, effective September 8, 2017, which pretended to suspend the legal Public Debt limit, stating that "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of enactment of this Act [Sept. 8, 2017] and ending on December 8, 2017." An illegal suspension of 92 days. On September 8, 2017, Public Debt was \$20.162 trillion, on December 8, 2017, Public Debt was \$20.493 trillion.

120. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of December 9, 2017, to February 9, 2018, holding "steady" at \$20.493 trillion, as reported by Treasury's "Debt to the Penny" historical data. 62 days "stuck."

121. A violation with the passage of Pub. L. 115-123, effective February 9, 2018, which pretended to suspend the legal Public Debt limit, stating that "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Feb. 9, 2018] and ending on March 1, 2019." An illegal suspension of 385 days. On February 9, 2018, Public Debt was \$20.669 trillion, on March 1, 2019, Public Debt was \$22.029 trillion.

122. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of March 2, 2019, to August 2, 2019, holding "steady" between \$22.029 to \$22.022 trillion, as reported by Treasury's "Debt to the Penny" historical data. 154 days "stuck."

123. A violation with the passage of Pub. L. 116-37, effective August 2, 2019, which pretended to suspend the legal Public Debt limit, stating that "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Aug. 2, 2019] and ending on July 31, 2021." An illegal suspension of 730 days. On August 2, 2019, Public Debt was \$22.314 trillion, on August 1, 2021, Public Debt was \$28.428 trillion.

124. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of August 1, 2021, to October 14, 2021, holding “steady” at \$28.428 trillion, as reported by Treasury's “Debt to the Penny” historical data. 74 days “stuck.”

125. A violation with the passage of Pub. L. 117-50, effective October 14, 2019, which pretended to add \$480 billion to the Public Debt limit, stating that “The limitation under section 3101(b) of title 31, United States Code, as most recently increased by section 301 of the Bipartisan Budget Act of 2019 [Pub. L. 116–37] (31 U.S.C. 3101 note), is increased by \$480,000,000,000.” The effect of this “pretend increase”: an illegal suspension of 8 days. S.1301, introduced by Ohio Senator Sherrod Brown, was used for this dollar addition to the Public Debt limit. The title of this bill, as introduced, remained its title as passed and is now listed at Congress.gov, under “Public Laws and Statutes”: “Promoting Activity For Americans Act.” On October 14, 2021, Public Debt was \$28.728 trillion, on October 22, 2021, Public Debt was \$28.881 trillion.

126. A violation of Pub. L. 111-139, Public Debt limit of \$14.294 trillion, combined with the additional borrowing allowance for Treasury of \$2.1 trillion in Pub. L. 112-25, for the period of October 22, 2021, to December 16, 2021, holding “steady” at \$28.909 trillion, as reported by Treasury's “Debt to the Penny” historical data. 55 days “stuck.”

127. A violation with the passage of Pub. L. 117-73, effective December 16, 2019, pretending to add \$2.5 trillion to the Public Debt limit, stating “That the limitation under section 3101(b) of title 31, United States Code, as most recently increased by Public Law 117–50 (31 U.S.C. 3101 note), is increased by \$2,500,000,000,000.” The effect of this “pretend increase”: an illegal suspension of 399 days. On December 16, 2021, Public Debt was \$29.206 trillion; on January 19, 2023, Public Debt hit \$31.455 trillion, \$47 billion “over” the previous, “self-set limit” of Treasury, of \$28.909 plus \$2.5 trillion. Treasury would “hold steady” through June 2, 2023, for 135 days.

128. A violation with the passage of Pub. L. 118-5, effective June 3, 2023, which pretended to suspend the legal Public Debt limit, stating “Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [June 3, 2023] and ending on January 1, 2025.” An illegal suspension of 578 days. On June 5, 2023, Public Debt was \$31.826 trillion, on January 2, 2025, Public Debt was \$36.170 trillion.

Count VIII: Violation of the Fourteenth Amendment

129. All foregoing Paragraphs are incorporated as if fully set forth herein.

130. The Fourteenth Amendment of the Constitution states that “The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.” *See* amend. 14 cl. 4. As noted in Count I, Congress has the power to borrow money. As noted in Count II, Congress has the power to pay debts. Those borrowings and Debt payments are for public debt “authorized by law,” meaning Debt which had been legally approved. The Fourteenth Amendment clearly states that the Debt of the nation shall not be questioned. The only possible legal summation and requirements of these statements is that Congress and presidents must insure that all of the public debt of the nation was legally authorized at the time that it became law, and has, as it must, remained legally authorized and supported by the nation's current financial accounts and financial transactions, including *the legal specifics of all subsequent borrowings*—throughout the term of each and every Debt instrument of the nation ever sold and still outstanding.

131. Through the actions of President Obama and the 112th Congress, with the passage of Pub. L. 112-25, the total legal Public Debt allowed became clouded because that poorly drafted law did not allow for the stated limit of the Public Debt limit, in the US Code, 31 U.S.C. § 3101(b), of \$14.294 trillion, to be increased, even as Pub. L. 112-25 allowed Treasury to borrow an additional \$2.1 trillion, which it did, pushing the nation's “legally allowed debt” to \$16.394 trillion.

132. Beginning with the passage of Pub. L. 113-3, and continuing through seven more Debt events, Pub. L. 113-46, 113-83, 114-74, 115-56, 115-123, 116-37, and 118-5, Congress and presidents pretended to legally “suspend” the Public Debt limit, in 31 U.S.C. § 3101(b). But they couldn't “suspend” the limit because the current level of outstanding debt sold by Treasury was in violation of 31 U.S.C. §§ 3101(b), 3101A. Thus, the legality of the nation's debt may not only be called into question, but it is, in fact, partially-if-not-wholly illegal. All \$36 trillion!

133. With the passage of Pub. L. 117-50 and 117-73, in the fall of 2021, Congress and President Biden appeared to add dollars to the Public Debt limit, which did no such thing.

134. The most recent Public Debt event, Pub. L. 118-5, was another “suspension,” the eighth since February 2013, as Congress and President Biden continued the string of public actions which has kept the Public Debt of the nation in a state of limbo, if not completely illegal.

135. The end result of the political games—played by three presidents, the 44th, the 45th, and the 46th, and eight Congresses, beginning with the 112th Congress (2011–2012) and continuing into the 119th Congress (2025–2026)—have allowed the Public Debt of the United States to be called into question: since August 2, 2011. That's an illegality which can no longer go unanswered.

136. On May 8, 2023, the National Association of Government Employees, Inc., filed suit in Massachusetts federal district court, with President Joe Biden and Treasury secretary Janet Yellen the only defendants, challenging the legality of the Public Debt limit, of 31 U.S.C. § 3101(b). That suit alleged that the Public Debt limit in the U.S. Code violated the Fourteenth Amendment.

137. As this suit was filed, in early May 2023, Treasury, President Biden, Congress, and everyone in the world of finance were pretending several things. Somehow, the Public Debt limit of \$14.294 trillion, in 31 U.S.C. § 3101(b), didn't matter, wasn't a problem, or who knows what they were thinking. The second Debt event of the Biden presidency, the addition of \$2.5 trillion, had been exhausted; Treasury was operating under “its” “in-house” Public Debt limit, “holding steady,”

claiming “its” Debt limit was \$31.455 trillion. By early May 2023, as this suit was filed, Treasury had been “stuck” at “its limit” for almost four months; that anniversary date would come on May 19. The nation, its finances, Treasury, the stability of financial markets, and the ongoing health and vibrancy of the United States economy: all hung in the balance, for the political games being played by President Biden and congressional Republicans and Democrats.

138. On May 30, 2023, John Paul Durbin filed a friend of the court brief in *National Association of Government Employees, Inc. v. Yellen*, 1:23-cv-11001, documents 34, 35, and 35-1. Plaintiff's spartan, three-page brief clearly and succinctly presented to that Court the reporting of John Paul Durbin, specifically: the likely “illegal status” of the Public Debt of the nation.

139. This case in Boston was *an almost*, high-profile national case. It garnered some national reporting which was how Plaintiff became aware of it and rushed his brief, with a few typos here and there, to the court within 72 hours; it arrived and was logged in one day before a crucial hearing before the Court.

140. These stunning facts, presented to that court, the allegation of a “broken” Public Debt limit, never stirred upon the national stage, not even in the reporting of this *almost high-profile case* which had major news organizations were “covering.” *Lightly; slightly*. And that's why this Plaintiff has repeated alleged that all media has been part of the unending cover up of the “broken” Public Debt limit. Apparently, “big media,” the specialty media covering Congress, all of the financial media, even the folks behind those expensive Bloomberg terminals hadn't bothered to consider *this brief* with its reporting of these shocking facts. However. The two securities ratings agencies who aren't Standard and Poor's, Moody's Ratings, and Fitch Ratings, apparently took note. Weeks after this filing by the Plaintiff, each enterprise executed a public, not-too-subtle effort at covering their ass. Each made statements regarding the current and future prospect for the nation's Public Debt. But, but, but: the underlying truth, calmly sitting in the Code, still remained a “national secret.”

**Harm and Distress suffered by John Paul Durbin, as a direct
result of Violations of Law, Counts I through VIII**

141. All foregoing Paragraphs are incorporated as if fully set forth herein.

142. For each count, I through VIII, Defendants, individually and jointly, knowingly violated the Constitution and federal laws. Defendants repeatedly did so, by the underlying acts themselves: Count I: borrowing money; Count II: making Debt payments; Count III: regulating the value of money; Count IV: failing to provide for necessary laws; Count V: violating money drawn from Treasury; Count VI: failure to advise Congress; Count VII: violation of 31 U.S.C. § 3101(b); Count VIII: violation of the Fourteenth Amendment.

143. These Article I Defendants have participated in these failures at law; have participated in an ongoing cover up of those acts; have made one false public statement after another; have refused to allow Plaintiff his legal access to their offices in the Complex. There is a reporting requirement for the Article I branch which has not been honestly met. These Defendants, and the offices which the head, have lied to the nation. Covered up this mess. These Defendants may be on the public payroll, but they don't work for us. These Defendants allowed themselves to be cogs in the system, putting forth their lies and shaded truths, because that's what they need to do to keep their jobs and please their bosses. There has been no honest reporting from those in the Article I branch; it's a collection of individuals, officers, and employees, but, in truth, a unitary team which all shared the same goal: hiding the "broken" Public Debt limit from the nation. Comes now for all of us the mess which they might have arrested had they been the faithful public servants they were not.

144. These Article II Defendants participated in these failures at law; played along with the ongoing cover up of those acts; made one false public statement after another. There is a reporting requirement for the Article II branch which has not been honestly met. These Defendants lied to the nation. Covered up this mess. There has been no honest reporting from any employee in the Article II

branch, especially these named Defendants. And the sad truth behind this story: it never made a difference who was the president at the time. One Debt event after another. One false report and public statement, until their time of public service ended. We shall all, now and forever more, share in the pain and woe for what they did to us, by what they failed to do when they had the chance.

145. As a result of the combination of those actions, Plaintiff has suffered great harm, including: emotional distress, physical stress, an inability to fully report on Congress, the inability to earn a living, and the inability to resume editing his 800-page manuscript. Plaintiff has lost five years of earnings, along with the ability to contribute to retirement accounts, going back to January 2020, because members and leaders of Congress have refused to address the “broken” Public Debt limit. Had Congress, and Defendants acted, that would have set the stage for the ultimate and most complete telling of the story of the spending-and-debt games of Congress, which all of the media had hidden. Plaintiff's life, his life's work (whichever book comes first book is but the start), *The Durbin Report*, his reputation, and his heartfelt attempt to save the nation he loves, have all been stuck in an agonizing state of suspended animation because one honest effort of his after another has been met by the stony silence of no reply, while the cauldron of the toxic Debt of the nation continued its volcanic rise towards the awful tectonic event that's coming any day now. It's the worst feeling in the world, to see a nation-altering disaster coming, do your best, to prod, push, shame, to warn and scare—those whom we, I, had thought were the best from among us, our elected legislators and presidents: to do something. Immediately. Behind closed doors. Make the tough decisions and begin the necessary, painful acts. Do not force this this mess to be first answered for by investors, in financial markets here and abroad. I did what I could, while they did not. Let history judge all of us.

**Count IX: Violations of John Paul Durbin's Constitutional Rights of
Free Exercise of Religion as guaranteed by the First Amendment**

146. All foregoing Paragraphs are incorporated as if fully set forth herein.